

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SIDNEY JENKINS, III, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 C/O CAMPOSE, C/O ROYSE, LEE )  
 YOUNG, and JONI AIYEKU, )  
 )  
 Defendants. )

No. 4:14-CV-5111-LRS  
**ORDER GRANTING  
MOTION FOR SUMMARY  
JUDGMENT**

Having reviewed the Report and Recommendation filed by Magistrate Judge Rodgers (ECF No. 49) and Plaintiff's objections filed thereto (ECF No. 50), the undersigned hereby **ADOPTS** the Report and Recommendation in its entirety.

The absence of a formal prison regulation or policy is irrelevant. There is a valid, rational connection between the penitentiary's practice of prohibiting the performance of Wuduh in the H-Unit restroom and the interests used to justify that prohibition- safety, security and sanitation. Even if no actual problems have arisen from the prisoner's conduct, evidence concerning anticipated problems is sufficient. *Friedman v. State of Ariz.*, 912 F.2d 328, 3332-33 (9<sup>th</sup> Cir. 1990). It is unnecessary to decide whether it is in fact true that Plaintiff was caught washing his genitals in the sink located in the H-Unit restroom. There are no genuine issues of material fact and no credibility issues precluding a finding as a matter of law that prohibiting inmates from performing Wuduh in the H-Unit restroom serves legitimate penological

**ORDER GRANTING MOTION  
FOR SUMMARY JUDGMENT- 1**

1 interests, that Plaintiff has alternatives available to him to perform ritual cleansing,  
2 that permitting Plaintiff to perform Wuduh in the H-Unit restroom would negatively  
3 impact prison staff and other inmates, and that there are no reasonable alternatives  
4 which could be implemented to avoid the penitentiary's legitimate penological  
5 concerns. Accordingly, as a matter of law, Plaintiff's First Amendment free exercise  
6 of his religion rights has not been violated.

7 It is Plaintiff, not Defendants, who speculates about the meaning of the  
8 grievance response from DOC Program Administrator Belinda Stewart that it  
9 authorized him to perform Wuduh in the H-Unit restroom. The response does not  
10 mention the H-Unit restroom. Accordingly, there is no basis for concluding that  
11 Defendants conspired to "void" this response. As a matter of law, Defendants did not  
12 conspire to interfere with Plaintiff's civil rights.

13 Finally, even if Plaintiff's First Amendment rights were violated, Defendants  
14 would be entitled to qualified immunity from damages because it was not sufficiently  
15 clear that restricting Plaintiff's ability to perform Wuduh in the H-Unit restroom  
16 constituted a violation of those rights. *Mullenix v. Luna*, \_\_\_\_ U.S. \_\_\_\_, 136 S.Ct.  
17 305, 308 (2015).

18 Defendants' Motion For Summary Judgment (ECF No. 37) is **GRANTED** and  
19 Defendants are awarded judgment on all of the claims pled in Plaintiff's Complaint  
20 (ECF No. 9).

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**ORDER GRANTING MOTION  
FOR SUMMARY JUDGMENT- 2**

1 The court hereby **CERTIFIES** that any appeal taken from this Judgment is not  
2 in good faith. 28 U.S.C. Section 1915(a)(3).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
4 Judgment accordingly and forward copies of the Judgment and this order to Plaintiff,  
5 counsel for Defendants, and to Magistrate Judge Rodgers.

6 **DATED** this 3rd day of March, 2016.

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8 *s/Lonny R. Suko*

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LONNY R. SUKO  
Senior United States District Judge